

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

FILED

Date 12/11/15 By Susan Saylor

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2016-31

12 **TYLER JAYMES RECTOR**
241 San Gabriel Avenue
13 Azusa, CA 91702

A C C U S A T I O N

14 Field Representative's License No. FR 50057

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of
21 Consumer Affairs.

22 2. On or about April 8, 2015, the Board issued Field Representative's License No. FR
23 50057 to Tyler Jaymes Rector (Respondent). The Field Representative's License was in full force
24 and effect at all times relevant to the charges brought herein and will expire on June 30, 2017,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.
28 All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

5. Section 8620 provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

6. Section 8625 states:

"The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

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1 7. Section 8649 states:

2 "Conviction of a crime substantially related to the qualifications, functions, and duties of a
3 structural pest control operator, field representative, applicator, or registered company is a ground
4 for disciplinary action. The certified record of conviction shall be conclusive evidence thereof."

5 8. Section 8654 states:

6 "Any individual who has been denied a license for any of the reasons specified in Section
7 8568, or who has had his or her license revoked, or whose license is under suspension, or who has
8 failed to renew his or her license while it was under suspension, or who has been a member,
9 officer, director, associate, qualifying manager, or responsible managing employee of any
10 partnership, corporation, firm, or association whose application for a company registration has
11 been denied for any of the reasons specified in Section 8568, or whose company registration has
12 been revoked as a result of disciplinary action, or whose company registration is under suspension,
13 and while acting as such member, officer, director, associate, qualifying manager, or responsible
14 managing employee had knowledge of or participated in any of the prohibited acts for which the
15 license or registration was denied, suspended or revoked, shall be prohibited from serving as an
16 officer, director, associate, partner, qualifying manager, or responsible managing employee of a
17 registered company, and the employment, election or association of such person by a registered
18 company is a ground for disciplinary action."

19 9. Section 8655 states:

20 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
21 charge substantially related to the qualifications, functions, and duties of a structural pest control
22 operator, field representative, applicator, or registered company is deemed to be a conviction
23 within the meaning of this article or Section 8568 of this chapter. The board may order the license
24 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
25 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
26 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
27 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company

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1 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
2 or dismissing the accusation, information or indictment."

3 REGULATORY PROVISIONS

4 10. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

5 "For the purposes of denial, suspension or revocation of a license or company registration
6 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensee or
8 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
9 evidences present or potential unfitness of such licensee or registered company to perform the
10 functions authorized by the license or company registration in a manner consistent with the public
11 health, safety, or welfare."

12 COST RECOVERY

13 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law
14 judge to direct a licensee found to have committed a violation or violations of the licensing act to
15 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

16 CAUSE FOR DISCIPLINE

17 (Conviction of a Substantially Related Crime)

18 12. Respondent is subject to disciplinary action under sections 8649 and 490, in
19 conjunction with California Code of Regulations, title 16, section 1937.1, in that Respondent has
20 been convicted of a crime substantially related to the qualifications, functions or duties of a
21 licensed field representative, as follows:

22 a. On or about June 26, 2015, after pleading guilty, Respondent was convicted of one
23 felony count of violating Penal Code section 487, subdivision (a) [grand theft] in the criminal
24 proceeding entitled *The People of the State of California v. Tyler James Rector* (Super. Ct.
25 Riverside County, 2015, No. INF1501004). The Court sentenced Respondent to serve 120 days
26 in jail, ordered him to pay restitution to the victim in the amount of \$17,025.81, and placed him on
27 36 months probation, with terms and conditions.

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b. The circumstances surrounding the conviction are that on or about June 7, 2015, the front desk manager of La Quinta Resort, in Riverside, CA, contacted Respondent after his credit card was declined. Respondent had accumulated \$17,025.81 in room service dinners, resort restaurant charges, retail shops purchases, and nightly guest charges. Respondent advised the front desk manager that he needed an hour to contact his bank and fix the issue. After an hour, the desk manager attempted to contact Respondent, but he had fled the scene. On or about June 13, 2015, the Riverside County Sheriff's Department was notified that Respondent was spotted at the Shadow Ridge Resort checking-in and making purchases with credit cards. During an interview with Respondent, he informed deputies that he was given fraudulent credit cards and fraudulent gift cards from a friend. He also admitted to making the fraudulent purchases at the La Quinta Resort's retail shops.

DISCIPLINE CONSIDERATIONS

13. In order to determine the degree of discipline, if any to be imposed on Respondent, Complainant alleges, as follows:

a. On or about March 26, 2014, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The People of the State of California v. Tyler James Rector* (Super. Ct. L.A. County, 2014, No. 3PS03264). The Court placed Respondent on 3 years probation, with terms and conditions.

OTHER MATTERS

14. Section 8620, provides, in pertinent part, that a Respondent may request that a civil penalty of not more than \$5,000 be assess in lieu of an actual suspension of 1 to 19 days, or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the time of hearing and must be noted in the proposed decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a suspension.

15. Pursuant to section 8654, if discipline is imposed on Field Representative's License No. FR 50057, issued to Respondent, Respondent shall be prohibited from serving as an officer, director, associate, partner, qualifying manager, or responsible managing employee for any

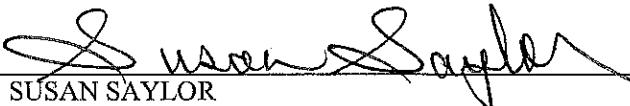
1 registered company, and any registered company which employees, elects, or associates
2 Respondent shall be subject to disciplinary action.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Field Representative's License No. FR 50057, issued to Tyler
7 Jaymes Rector;
- 8 2. Ordering Tyler Jaymes Rector to pay the Board the reasonable costs of the
9 investigation and enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 12/11/15


SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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